ಮೈನೂರು ವಿಧಾನಸಭೆ

MYSORE LEGISLATIVE ASSEMBLY

Thursday, 12th March 1970

The House met in the Assembly Chamber, Vidhana Soudha, Bangalore, at Nine of the Clock.

MR. SPEAKER (S. D. KOTHAVALE) in the Chair.

(Quorum was formed at 9.05)

Discussion for short Duration on the situation arising out of the statement by DR. K. L. RAO, Union Minister for Irrigation,

Regarding : Cauvery Water Dispute.

SRI H. N. NANJE GOWDA:—Sir, I beg to move ;

That the situation arising out of the statement made by DR. K. L, RAO, Union Minister for Irrigation, on 10th March 1970 in the Parliament regarding Cauvery Water dispute, be taken into consideration.

MR. SPEAKER : Motion moved:—

That the situation arising out of the statement made by DR K. L. RAO, Union Minister for Irrigation, on 10th March 1970 in the Parliament regarding Cauvery Water Dispute. be taken into consideration.

†ಶ್ರೀ ಎಚ್. ಎನ್ ನಂಜೇಗೌಡ:— ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ದಿನಾಂಕ ೧೦ನೇ ಮಾರ್ಚ್ ೧೯೭೦ರಂದು ಡಾ॥ ಕೆ. ಎಲ್. ರಾವ್‌ರವರು ಪಾರ್ಲಿಮೆಂಟಿನಲ್ಲಿ ಮಂಡಿಸಿದ್ದ ಸೂಚನೆಗೆ ಅವರು ಕೊಟ್ಟಿರುವ ಉತ್ತರ ಯಾವ ಉದ್ದೇಶದಿಂದ ಇದೆ ಎನ್ನುವುದನ್ನು ನಾನು ಖಚಿತ ಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ನಮ್ಮ ಕ್ಷೇತ್ರದ ಒಬ್ಬರು ಪಾರ್ಲಿಮೆಂಟು ಸದಸ್ಯರಿಗೆ ನಿನ್ನೆ ದಿನ ಟ್ರಂಕ್‌ಕಾಲ್ ಮಾಡಿ ಅವರು ಹೇಳಿರುವ ಹೇಳಿಕೆಯನ್ನೂ ಖಚಿತಪಡಿಸಿಕೊಂಡೆ. It has liquidated the confidence that we Mysoreans had in the Centre. The cat is out of the bag. ಸ್ವಾಮೀ ಕೇಂದ್ರದ ನೀರಾವರಿ ಸಚಿವರು ಮಾತನಾಡಿರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ ಅವರು ಎಂಟು ಅಂಶಗಳನ್ನು ಹೊರಗೆಡಹಿದ್ದಾರೆ.

The following are the points which emerge out of his speech:—

1. The Mysore Government was clearly exceeding the 1924 Agreement.

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2. The Centre would be most unhappy if any State were to take up projects arbitrarily and in excess of the scanctioned schemes or without a settlement under the River Water Disputes Act.

3 Kabini Project was sanctioned to irrigate only 30,000 acres at a cost of 2·50 crores ; the present project is in excess of the sanctioned scheme.

4. Mysore can impound only 45 TMCFT of water under certain conditions.

5. Harangi Project was not covered by the 1924 Agreement.

6 The C.W.P.C. and the Planning Commission have not cleared the Hemavathi and Harangi projects.

7. No Central aid would be given to Cauvery Valley Projects.

8. If no settlement through negotiation is possible, the Centre would have no option but to refer the matter to the Tribunal.

Sir, I want to rebut these points one by one. The first point is whether Mysore has violated the Agreement of 1924. Our case is Madras has violated the Agreement long back. We have complained to the Centre that Madras has violated the said Agreement and that complaint is still pending since 1949.

Both Dr. Rao and the Central Government have not said a word about the violation of the Agreement by the Madras Government. But now Dr. Rao jumps and says that we have violated the Agreement. A few days ago the Madras Government complained that we are not functioning within this Agreement and then Dr. Rao declared in Parliament that we have violated the Agreement. I want to know why Dr. Rao or the Central Government are so eager to take sides with Madras ? With all that, what is this Agreement ?

Is this a valid agreement I want to ask Dr. Rao and the Central Government. I want to request my Government to examine whether this is a valid agreement at all, because I am of the opinion that this is void. It is void on many counts. Firstly, this Agreement was entered into and Mysore was made to sign this Agreement putting undue influence and force. Section 6 of the Contract Act says that if an agreement is entered into by use of undue influence such an agreement would amount to a void agreement. Madras was potentially a British Province and Mysore was a princely State and therefore Madras was in a better position. History reveals that and everybody knows that since undue

† Indicates that remarks or speeches have not been revised by the member concerned.

influence was used on Mysore. Since Mysore was forced to sign this Agreement with undue influence, this cannot but be a void agreement. Also the parties were under a mistaken impression as to a matter of fact essential to the agreement. The fact which is essential to the agreement is the quantum of water in the Cauvery basin. All that they took into consideration was assumption and presumption and it was not a real matter of fact. In fact, they thought that their would be excess water even in 1974. They thought that so much of water will be there for future development also even after Bhavani, Amravati and Kattilai projects were constructed. They thought that there would be more water for future development after 1974 also and therefore they were not definite as to a matter of fact which is quite an essential element in an agreement. When they were under a mistaken impression about a matter of fact, according to section 20 of the Indian Contract Act which came into force in 1872 this is void. So even under any canon of law can anybody justify that this is an equitable allocation ? I for one feel that it is against equity, natural justice and the law of the land. We have questioned the very agreement itself and we have said that this is a void agreement. We have lodged our complaint with the Union Government as far back as 1959. Without taking pains to go into the details of the complaint of Mysore, Dr. Rao now jumps and says that we are violating the agreement. I want to ask Dr. Rao, is he an arbitrator ? Can he give a decision or judgment in Parliament ? Who is he to give such a verdict ? It is very unfortunate that the Centre should take such a partisan attitude in favour of Madras He says that the Centre would be most unhappy if Mysore takes up projects which are not sanctioned by the Central Government or the C.W.P.C. I want to tell Dr Rao that we are not bothered, we are not worried whether they are pleased or displeased. We do not care whether he is pleased or displeased, whether the Union Government is happy or unhappy Our duty is to function in the interests of the State. We are not functioning as a Government here to please Dr. Rao or the Central Government. It is their funeral whether they are pleased or displeased We are not bothered whether they are happy or unhappy. So I advise my Government to take all necessary steps to guard the interests of this State. It is quite natural for Dr. Rao on behalf of the big brother, the Central Government, to support the small brother, the Madras Government and so I warn this Government to be cautious in its further dealings and think twice before relying upon the Centre or even Dr. Rao to do justice to us. I want to ask Dr. Rao whether he was not unhappy when Madras violated the agreement, when Madras intercepted the flow of water. At that time the Central Government never felt unhappy and now because we want to construct our projects within the scope of this void agreement the Central Government is unhappy and Dr. Rao is unhappy. This is a very sorry state of affairs. I do not know why they gave clearance to the projects which were not in accordance with this agreement, which were constructed by the Madras Government.

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DR. RAO has further stated that Kabini was designed whit a capacity to irrigate 30,000 acres I advise Dr. Rao to go through sub clause (14) of clause 10 of this agreement. It says that we are entitled to 60% of the water... ... ...

SRI B. P. GANGADHAR:—Sir, will it be possible to make available to the members copies of this agreement for their information and use ?

SRI VEERENDRA PATIL (Chief Minister):—I do not know how many copies are immediately available. If hon. members want I may place a few copies on the table of the House so that members can look into it

MR. SPEAKER:—There are two copies of the agreement available and they will be placed on the table of the House for reference.

SRI H. N. NANJE GOWDA:—I would advise Dr. Rao to go through this clause of the agreement. Looking to what he has stated, we feel that he has become one with Madras to fight us and so he is incapable of functioning judiciously as a Union Government Minister and so I would advise the Prime Minister to be cautious on this point and if possible to relieve him from his Ministership. Clause 14 also says that neither Madras nor Mysore should intercept the water that flows to the Upper Anecut. Now Madras has intercepted it acrossBhavani and Amaravathi. They have also particularly violated sub-clause 14. of clause 10 I am sorry to say and it is impossible for me to believe that the Union Government could stoop to such a level and take such an attitude, without examining even the provision of the Act. He has further stated that Mysore can impound 45 TMC ft. under certain conditions. This clause 10 (7) is by itself repugnant. When a right is created how is it that we can be prevented from exercising it? This violates the Indian Contracts Act and on this score it is a void agreement. We are not bound by the conditions under which we can impound 45 TMC ft. We are bound to utilise it and even more because we say it is a void agreement. He has stated that Harangi is not covered by the 1924 Agreement and if that is so, what made him not to give clearance to this project. It may be due to some deep reasons or prejudicial attitude. Why should Dr. Rao or the Union Government take so many years to sanction this project? He has stated that the CWPC and the Planning Commission have not cleared it. These two agencies are the limbs of the Government of India created byan executive order: they are not statutory bodies. I want to tell Dr. Rao that decision regarding any clearance by these two agencies is not binding on us now, let along on the Union Government. I also advise the Mysore Government to examine whether we can

question in any court of law the attitude taken by Dr.Rao regarding this matter. We know who are all there in the CWPC and the Planning Commission. There are more number of Andhrites and Madrasis on them and for one reason or another they will find out small technical flaws to withhold consent. History has proved that they have taken 8 to 10 years to decide on these projects. If they have not cleared these projects, they were purposely avoiding giving clearnace to them. I do not know whether I would be correct in attributing motives to the CWPC and the Planning Commission, but I can saw that it was unjust on their part to drag on for 8 to 10 years. They could have at the most taken 2-3 years for giving a decision: it has been pending since 1960. They have become partisan favouring Madras in order to safeguard the interest of Andhra. Dr. Rao has said that no Central aid will be given to Cauvery Projects. I want to tell Dr. Rao that Central aid is meant to remove imbalances in the country. The most under-developed State is ours in the matter of irrigation and Madras is having the major portion of it. I want to ask him whose money is it? Are we not paying by way of taxation? Every citizen is paying tax. So, he is not correct when he says that. I advise the Mysore Government to examine this aspect and see whether we can see the Union Government in any court of law. I also want to tell Dr. Rao that Central aid is given within the State Plan ceiling. His saying that no Central aid will be given to our projectis would amouut to abuse of power. If they have exceeded the power given to them, I think it is a fit case to sue them in a court of law.

Lastly, if no settlement is possible through negotiation, the Central Government will have no objection to refer the matter to a Tribunal. In that case it amounts to Rao's mediation. "ಇದಕ್ಕೆ ಕನ್ನಡದಲ್ಲಿ ಒಂದು ಗಾದೆ ಇದೆ. ಆದು ಏನೆಂದರೆ ಹೊಳೆಗೆ ಬೀಳುವಾಗ ಜೊತೆಯು ಕಲ್ಲು ಕಟ್ಟಿಕೊಂಡು ಬೀಳಬೇಕು. ಇಲ್ಲದಿದ್ದರೆ ದೇಹ ತೇಲುತ್ತದೆ. ಜೊತೆಗೆ ಕಲ್ಲು ಕಟ್ಟಿಕೊಂಡು ಬಿದ್ದರೆ ಸಾಯಬಹುದು. I warn this Government to be very very cautious about Rao's media tion: I have no trust in him. Our position was better in 1924 and though the British Government was in power then and though Madras was a British Province, and though they were favourable to Madras they were not inimical to Mysore. Now the position of tihat though the agreement is not so favourable to Madras, it a nimical to our State. When such is the case, under this voidi agreement if we enter into negotiation or go for arbitration, what the result would be I cannot imagine. Under this void agreement, the Central Government is the agency to arbitrate in this matter. But unfortunately the Union Government has revealed through Dr. Rao that they have taken a partisan attitude in favour of Madras. Dr Rao has prejudged the issue and stated that we have violated the agreement. I do think Dr. Rao is a legal expert. If the Government of India has become Julius Dr. Rao has be come Cassius and I warn that he will be the cause for the

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political death of Indira Gandhi. If she tolerates this Cassius we will be forced to become her enemies If this trend continues in the country, to day it may be Mysore and tomorrow it may be some other State. In that case there will be more enemies to her and it will ultimately lead to her political death. It is a case dereliction of duty and if we hind acted properly, promptly and within time these things would not have been there. We have suffered because of the lethargic attitude of this Government. We are determined to safeguard our interest and go ahead with our projects.

9-30 P.M.

†Sri. H. M. CHANNABASAPPA (Periyapatna) :-Mr. Speaker, Sir, the story of Cauvery waters is a pathetic story; so also the story of Krishna waters and so also the border issue. We have had very big landslides in Mysore over this one decade. These landslides pertain to Krishan, border and lastly the Cauvery. The present catastrophe or the deplorable situation for Mysore on the Cauvery front is according to to the reports made in the press and on the platform, is due to the Government of India. It is for us to assess to what extent Government of India is responsible for this deplorable situation, to what extent Madras is responsrible for this situation and to what extent we are also responsible for this situation.

Before I proced further, the two or three important points which Dr. K.L. Rao has made out, have got to be taken into consideration from the technical and legal aspects. He has said in yesterday's statement that Mysore has violated the 1924 Agreement because Mysore has admittedly been going ahead with its projects, Harangi, Hemavati and Kabini also without reference to 1924 Agreement and so they are outside the scope of the Agreement or to put it in other words Mysore has violated the 1924 Agreement. That is one damaging statement, probably the most damaging statement that Dr. K.L. Rao has made. The next point he has made and which is very relevant is that unless it is cleared by the Planning Commission he will stop the Central aid to any of these projects. The third point he has made is... it is only a suggestion.....I don't call it an ultimatum or mandate because it is none of them under any statute that we know ..it is not even a direction.....he has no powers to give a direction...he has made a suggestion that still negotiation is possible in order to come to a fair settlement : he has suggested to the Chief Minister of Mysore to stop the project and come forward with proposals for negotiations. I would like to dwell on these three important points and another point which he has made about Kabini is something very cruel, very hard and ununderstandable. How it is so is a matter which I will deal one by one.

I have to go back to 1959 and 1960 if we are to properly appreciate the Centre's stand-point. What happened in 1960 was this. We made a reference to the Government of India that Madras has violated the 1924 Agreement, and it is an admitted fact that Government of India has said in Parliament that Mysore has submitted an application that there has been violation of 1924 Agreement in the year 19 9 and 1960. They have also admitted that a dispute has arisen and they have also said in Parliament that Government of India is seized of the matter and they are calling an Inter-State Conference of Ministers concerned in order to settle this issue fairly. The papers are before me, but I do not want to go through them because it will take a long time. Suffice it to say that the Government of India was seized of our case in 1959. On 28th April 1959, the Union Minister for Irrigation and power has made a statement in parliament in reply to a question by Sri Shivananjappa of revered memory and Sri H. C. Dasappa of revered memory...it is not merely a statement...it is an admission that Government of Mysore has submitted an application for revision of the Agreement. Now I proceed with this background. When an application has been submitted. it was the bounden duty of the Government of India to immediately take action and I am glad they have announced in parliament that the Centre is to intiate Madras-Mysore talks for settlement and that they are going immediately to proceed on that basis. Why did not Dr. K.L, Rao pursue its? Eleven long years have passed since the application was submitted to them After sleeping over the entire issue for eleven long years, is it open today to Dr. Rao or any other Minister to say that Mysore is violating the 1924 Agreement ? It is a travesty of truth. I would like to make a clear remark against the Government of India. They did not proceed on that basis. I would like to ask Dr. Rao, through you Sir.....of course he is not here to answer ...at the time when Kalembadi, Kalaiyadim Mettur and other projects were constructed by Madras, whether Government of India was a party to this violation of 1924 Agreement. What did they do? They di i not inform Mysore, they did not take the concurrence of Mysore and knowing full well that the construction or these pr jects is outside the 1924 Agreement they have given clearane, the Planning Commission have given clearance and the Government of India has given clear-a· ce. Now I charge the Government of India that they are a party for an illegal action which affects the interests of Mysore; and the Government of India will have to answer before an appropriate Court of Law. That is my first point.

The next point is, after abdicating their powers so settle the issue and the issue that we have presented, after ten long years he comes and tells that the Mysore Government is violating the provisions of the Agreement. Now at this stage, lest I should forget, I would

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like to paint out that in sub-clause 15 of clause 10 of the Agreement it is provided that :

> " Madras and Mysore Government do hereby agree that if at any time should there arise any dispute between Madras and Mysore touching the interpreatation, operation and carrying out this agreement, such disputes shall be referred to arbitration or if the parties to agree shall be submitted to the Government of India ".

I lay stress on the words " if the parties so agree " It is on record that the Government of Madras did agree for negotiations being held for settlement by the Government of India. Here it is stated;

> " in regard to certain disputes relating to Madras andMysore Agreement, the Mysore Government had referred the matter to the Govenment of India, Ministry of Irrigation and power to depute a member of the Central water and power Commission to enquire inte the matter ".

This is the statement of the Minister for Irrigation and Power Madras made on 16th March 1960. and he also stated that the State Government had decided for discussion with the Mysore Government on this question of utilisation of waters with reference to 1924 Agreement. This is also an admitted fact by the Goverhment of Madras. So is clear from this that Mysore and Madras had agreed to get the matters settled through the Government of India. Such being the case, in the face of any change of attitude of the Madras Geverument and Mysore, is it open to the Govcrnment of India to come forward and pre-judge the issue and say that the Mysore Government has violated ? Dr. Rao must be in the position of an agenoy which he to perform the duties and functions of a tribunal or an arbitrator, is it fair for him to prejudge the issue and annonuce to the country, that the Mysore Government has violated the terms oft he agreeme?. Sir, I don't think in the history of jurisprudence, anybody has accepted it. I only pity Dr. Rao. He has thereby allow the country to abdicate the trust placed in the Government of India I don't like to use stronger words.

SRI. B. NARAYANASWAMY :—May I know what is the quantum of wate that the Mysore Government was entitled to under the Agreemen t and what is the quantum so far utilised ?

SRI H. M. CHANNABASAPPA :— They are matters of technical detail on which I have hammered, and hammered to much that I do not lie to repeat them now. I would like to discuss the with the Hon. Member and give him all facts about it.

SRI B. NARAYANASWAMY :—That was one of the points raised by Dr. Rao.

SRI H. M. CHANNABASAPPA :—It is not the main point. I will tell the crux of the problem and where exatly we are being squeezed in.

Now so far as legal position of the Government of India is concerned there is no more question of negotiations at present with the Government of India. This I want to make clear and advice our Government that as the Government of India has already abdicated its powers to arbitrate or to negotiate by making an announcement to this country that the Mysore Government has gone outside the scope of the Agreement, which means to say that they are party with Madras, the Government of India can no more function as a tribunal or arbitrator. I would like to appeal to the Chief Minister to straightaway reply that, now that Sri Rao has come to prejudge the issue the only course open to us is arbitration not under the Inter-State Water Disputes Act but under the provisions of the Agreement itself. Madras, I understand has been pressing for arbitration through a tribunal. for the appointment of a tribunal under the Inter- State Water Disputes Act. I would like to advise the Government of Mysore that though I am not legal pundit, still I feel that I am sufficiently equipped on this point: when a specified remedy is provided in the agreements itself, unless that rtmedy s exhausted there is no point in looking for legal remedy elsewhere. The remedy under the Inter-State Water Disputes Act can only be revoked when the provisions provided in the Agreement itself are exhausted ; we have no other remedy. Therefore, there is no question whatso ever of this issue being referred to a water tribunal under the Inter-State Water Disputes Act, Before I close this point. I would like to tell Dr. Rao through you that hereafter he is out of bounds to make any negotiations on this Cauvery Water dispute between Madras and Mysore.

The next point is about the Central assistant to Mysore projects If we do not faithfully act according to Dr. Rao's dictates, he says no assistance to our projects. In this context members will kindly permit me to make a little clarification on the status of CWPC and Planning Commission. The CW P.C. and the Planning Commission are not statutory bodies with statutory any powers. This we have to bear in mind. These two are the limbs of the Govetnment of India, created by an executive order. The C.W. and P.C. is created by an executive order to supply high level technical advice that is required by different States Supposing Mysore has enough talent and competency, high level technical competency, it is opon to the Government of Mysore to say that we do not want their technical advise. It must be remembered that at the time when C.W.

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and P.C. was created many States in India had no Chief Engineers and had no high level technical competency. Therefore it became necessary to create a competent authority to advise the sevaral States in India. Sir it is a misnomer to think that CWPC. alone is competent to advise on the technical admissibillity. There may be many pepole cutside CWPC who are more competent than the CWPC. The CWPC is only an adivsor to the Government of India to high level technical advice whenever it is sought by the Government of India and the States can avail of its service.

Then the Planning Commission stands on the same footingit is not a statutory body. It is only an advisory body to the Government of India. Such being the case, I can understand Dr. Rao saying that unless the Government of India approves of this, it is not going to give you the help. To say that if the Planning Commission does not clearthe project, the Government of India does not give financial assistance, is merely to be subservient to the Planning Commission.

SRI D. DEVARAJ URS:—That was being said persistently in this House: Unless clearance is given by the Planning Commission we cannot take up the project. Even Mr. Channabasappa was saying that from the very beginning. It is only now he is trying to say that the CWPC and the Planning Commission are not statutory bodies and their opinion is not legally binding on the Government of India and Government of India cannot withhold the aid to the State on that ground. It is only now he is making out that point.

SRI H. M. CHANNABASAPPA:—I am making out a case for the State. It is not only a fact that the Planning Commission is not a statutory body, it is an advisory body to the Government of India. And now it is being said by the spokesman of the Government of India that unless Planning Commission clears no question of any money being given to Mysore Government. That is the statment he has made.

Now Sir, the allocation of funds is not a grant. I would like to make it clear that monies for projects are given by way of loans repayable with interest to the Government of India. It is left to each State Government to take up such projects as they deem fit-not such projects as the Government of India want us to take. That is my point. if there is any dispute in any inter-State river valley between the parties concerned, it is for us to Settle the matter and it is not open to the Government of India to say that if we do not come to terms with each other, there is no legal remedy open to us. So if Madras, Mysore and Kerala did not agree on any point, it is for us to ask the Government of India to settle the matter under the agreement or to arbitration This should not mean that the supplies have to be made

to suit our own economy in the country. The CWPC is only a recommendatory body. They also cannot say that unless we compose these differences we cannot take up the projects Therefore, I want this House and the people of this country to understand this legal position and the status of the CWPC and the Planning Commission.

SRI D. DEVARAJ URS:—We will understand it provided the Government says it.

SRI H. M. CHANNABASAPPA:—If Government does not say so, it is gross neglect of duty.

SRI D. DEVARAJ URS:—Even now, if the Government of Mysore were to say that legally the Government of India cannot withheld the funds, we will be happy. But on the other hand, you have been saying times out of number that unless clearanee is given by the CWPC and Planning Commission, we cannot take up the projects. what shall we do?

SRI M. Y. GHORPADE (Sandur):—If the Hon, ble Member yields, I have just one or two questions. Since the Hon'ble Member is making such an effective speech, I would like him to clarify one or two basic questions. I read his article today in "Deccan Herald" about one or two basic questions. One is purely technical and legal interpretation of 1924 Agreement and second is, revision of the Agreement itself in order to give natural Justice to Mysore. What do you propose to settle these two aspects? Kindly advise the Government how you would like to settle this.

SRI H. M. CHANNABASAPPA:—When I come to the Agreement proper. I will speak on that.

Here is the Third Five Year Plan document and I speak with authority and with personal knowledge that Harangi and Kambadakada have been included by the Planning Commission and I bave discussed this matter with the then member of the Planning commission. I myself was present on behalf of Mysore Government and argued out the case. They onl / wanted that Kambadakada should be a smaller project so that it might become a medium project, because I had submitte i a big project. I was told that there was no money for major projects and it was a request that for the time being it should be transferr ed to the list of medium size projects. So I converted Kambadakada into a medium project at that time. Harangi and Kambadakada both have been included in the Plans of Mysore on the approval of the Members of the Planning Commission. And here is a document which says: Harangi-total outlay for Rs. 200 lakhs during Third

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Plan: and out of that Rs. 200 lakhs, we have also provided early Schematic Provision--for 1961-62 Rs. 11.9 lakhs and so on. we had a phased plan of expenditure.

SRI D. DEVARAJ URS:—What happened to that?

SRI H.M. CHANNABASAPPA:—I will come to that. Similarly for Khamabadkada, we had I think provided Rs. 50. lakhs in the Third Plan. Even for Hemavathi we have made a similar provision. Harangi Hemavathi and Kambadakada--all of them are included in that Plan and adequate money was also provided. Now for Dr. Rao to say that unless clearance is given by the Planning Commission, Central Aid will not be forth coming I think is not proper. I appeal to Dr. Rao to kindly look back on what attempts they them selves have made so far. Suffice to say that there is nothing more than what has already been accepted. It is not fair for them to go back upon all that has happened.

I am now dealing with the failure of the Government of India. When I come to the failures of the Government of Mysore, I have definately a big nail to hammer on the Chief Minister--not Mr. Veerandra Patil. I have so much love and affection for him personally.

SRI K. PUTTASWAMY —I hope it is not Dhrutarashtra prema.!

SRI H. M. CHANNABASAPPA:—No. I am sorry you are having Dhruthrashtra Prema towards us and I have real prema. It is because you have Dhrutarashtra prema, all these friends are blindly following you. I am one who has real prema for Mr. Veerendra Patil. Because of Dhrutarashtra prema exereised by them both by him and his political father, landslides have taken place in Mysore!!

10-00 A.M.

I have said about the Planning Commissiou and the CWPC. Who is responsible for the present crisis? The Government of India can be at best blamed to the extent that they did not pursue the case that we put before them in 1959, and they have failed to clear our projects all these 8 to 9 years. That is another legitimate complaint that Mysore may have against the Government of India. When we asked for clearance, they went on saying that clearance can only be given if the impounding formula is respected and the rules and regulations of 1924 Agreement are respected. Correspondence went on and our officers and Ministers ran up to Delhi and came back many

times with a beggars bowl praying for a clearance. In the absence of material before me, it is for the Chief Minister to say wether this Government has not failed miserably it has failed by gross neglect of duty in not demanding a revision of the Agreement to modify the proportion factor to enable Government of Mysore to carry out the provisions of the Agreement as already placed before them in 1924. Instead of that our Hon Minister uɔɯ1 no praying for something which is impossible. Even if I were the Minister in the Governmen of India I would not give clearance unless the Agreement is revised. Therefore, the landslide is to be placed fairly on the of the past Chief Minister and the present Chief Minister also. Both these people have neglected the interest of the State either for political reasons or for personal reasons or some other reasons, which they are competent to give. I personally feel this is both political and personal, and I have reason to say that at an appropriate time will speak before the country what are the political and personal reasons that were responsible and prevailed over these Chief Ministers. I do not blame others; I sympathise with them because they are all misguided, mislead by false statements, false assurances and so many odd things. They are all my good friends and they are all properly guided. I do not want to go into the legal aspect of the case because many friends have quoted the legal aspect on authority and I have also quoted. Suffice it to say, our ills on Cauvery did not start today only on DR.K. L. Raos statement. After all, he could not have said anything other than what he has said in the circumstances. Even if I were in the place of DR. K.L. Rao, I would say that so long as impounding of water is concerned, if you get the Agreement revised I would have no objection. The Government of Mysore should have acted in a spirit of national interest, in the interest of the people of the State and pursued what they submitted in 1959. I have no record to show, nor any statement by Chief Minister to say that this Government has moved one pebble from 1959 to see that the impounding formula-proportion factor-is modified and the rules and regulations are modified to the extent required to make this Agreement workable. Squarely this neglect of duty, gross neglect of duty lies on our Government. For what purpose they did not do, I do not know. They say "we have not recived clearance for 10 years". For a big Government, headed by a "big men, big in his own way-not being my concept-to have slept over the matter is something shameful. At one stage, the, Chief Minister has stated that they have received clearance for Hemavathi and Harangi and that they are about to receive clearance for others. This is as per the proceedings of our Assembly.

Sri K. PUTTASWAMY:—What was in the way of the Hon. Member to have repudiated the Agreement in 1959?.

Sri H. M. CHANNABASAPPA:—This is what I have done in 1959.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ:—ಗವರ್ನರ ಅಗ್ರಿಮೆಂಟ್ ಬಗ್ಗೆ ತಾವು ಅದನ್ನು ಪ್ರೊಡ್ಯೂಸ್‌ಮಾಡಿ ಎಂದು ಬರೆದಿದ್ದೆವು ಎಂದು ಹೇಳಿದಿರಿ, ಆದರಲ್ಲಿ ತಾವು ಇನ್ನೇನನ್ನು ಬರೆದ್ದಿದ್ದೀರಿ?.

ಶ್ರೀ ಎಚ್. ಎಂ. ಚನ್ನಬಸಪ್ಪ:—ತಾವು ನಾನು ಹೇಳಿದ್ದನ್ನು ಕೇಳಲಿಲ್ಲ, ತಾವುಕೂಡ ಧೃತರಾಷ್ಟ್ರರಾಗಿದ್ದೀರಿ.

I read from Government of India's own statement and Madras Government's own statement. It is a fact Government of India has accepted Mysore's case that Madras Government has voilted the Agreement and also seeking revision af the Agreement. Sir, whenever I speak, I speak with authority, and if do not speak with authority I am always open for correction. The Chief Ministers have been telling this House in and out of season and through this House the whole country that 1924 Agreement is sacrosant and it has to be respected. When it is our case that 1924 Agreement cannot be respected, it is null and void long back. 33 years of observance of data discloses that the two things are incompatiable: they are repugnant. Sir, I was telling about the clearance. This pathetic story of Cauvery was not started today. It started on 16th May 1961 when the then Chief Minister, who is now the A.I.C.C. President, presiding over the Malnad Sammelan in Coorg said;.

ಅಧ್ಯಕ್ಷ ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪನವರು, ಕೊಡಗಿನ ಜನತೆ ಹಾರಂಗಿ ಮತ್ತು ಕಂಬದಕಡ ಯೋಜನೆಗಳ ಬಗ್ಗೆ ಇಷ್ಟೊಂದು ಕಳವಳಗೊಳ್ಳಬೇಕಾದ ಅಗತ್ಯವಿಲ್ಲವೆಂದು ತಿಳಿಸಿದರು.

"ಕೊಡಗಿನ ವೈಶಿಷ್ಟ್ಯ, ಸೌಂದರ್ಯ, ಆರ್ಥಿಕ ಸಮೃದ್ಧಿ ಹಾಗೂ ಜನಜೀವನದ ಸೌಕರ್ಯಗಳು ಹಾಳಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳುವುದರಲ್ಲಿ" ಕೊಡಗಿನ ಜನತೆಯ ಬಗ್ಗೆ ಪೂರ್ಣ ಸಹಾನುಭೂತಿಯುಳ್ಳ ಶ್ರೀ ನಿಜಲಿಂಗಪ್ಪನವರು, "ನಿಮಗೆ ಅತ್ಯಂತ ಕಡಿಮೆ ಹಾನಿಯಾಗುವ ರೀತಿಯಲ್ಲಿ ಈ ಯೋಜನೆಗಳನ್ನು ನಾನೇ ನಿಂತು ಮಾಡಿಸುತ್ತೇನೆ" ಎಂದು ಸ್ಪಷ್ಟ ಭರವಸೆ ನೀಡಿದರು.

This is what he said on 16th May 1961, Kambadakada, Harangi, and Hemavathi Projects were ready and also Kabini Project was ready and was about to be implemented. He stated that he had given orders to goahead and there should be no question of further delay, and money should not be the problem. Here are the Chief Engineers who were witnesses to the statement. If anybody says anything contrary to that I will stand by my statement and prove it. Mr. Nijalingappa who was not incharge of administration and who did not even consult me when I was actually incharge of the portfolio and the then Chief Minister, made these statements because he was garlanded with a big garland.

SRI B. P. GANGADHAR :—Did you take any objection ?

SRI H. M. CHANNABASAPPA :—Yes, I did take objection. Unfortunately this objection was also responsible for stripping me of the P.W.D. portfolio. I do not want to go into details thereto.

Thereafter what did these people do? Immediately after assuming the office, in March 1962 the first decision they took was that these projects have got to be revised. I will read out just the relevant portion of their decision which says: "ಇಲ್ಲಿನ ಕೊಡಗು ಮತದಾರರ ಸಂಘದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ ಶ್ರೀ ಕೆ. ಪಿ. ಚಿನ್ನಪ್ಪನವರಿಗೆ ಬರೆದ ಪತ್ರದಲ್ಲಿ ಮುಖ್ಯ ಮಂತ್ರಿ ಶ್ರೀ ಎಸ್. ಆರ್. ಕಂಠಿಯವರು ಈ ವಿಷಯವನ್ನು ಬಹಿರಂಗ ಪಡಿಸಿದ್ದಾರೆ. ಮೈಸೂರು ಸರ್ಕಾರ ಈ ವಿಷಯವನ್ನು ಬಹಳ ಎಚ್ಚರಿಕೆಯಿಂದ ಪರಿಶೀಲಿಸುವುದು ಎಂದು ಹೇಳಿದ್ದಾರೆ."……ಕೊನೆಯಲ್ಲಿ ಇವುಗಳನ್ನೆಲ್ಲಾ ಬದಲಾವಣೆ ಮಾಡುತ್ತೇವೆಂದು ಹೇಳಿದ್ದಾರೆ. Sir, a reference has been made to Dr. Rao. I will only read out one or two relevant sentences spoken by Dr. Rao. He said:

> "some people made a big issue of the fact that technical clearance to the projects has not yet been obtained. It is being talked of as if I will not give it."

Sir, when Dr K. L. Rao became the Union Minister for Irrigation and Power he had himself sent an invitation. This is what Mr. Nijalingappa stated when he laid the foundation stone for the Harangi Project. This was a misleading statement.

SRI D. DEVRAJ URS: It was not a misleading statement. I think Dr. Rao had promised to get clearance.

SRI H. M. CHANNABASAPPA:—Well Sir, I stand corrected. It was a misleading statement in the sense that the whole country was made to believe that there was actually nothing, and Dr. Rao would immediately give the clearence. Five years have passed. Now here is Dr. Rao who asks the Chief Minister to stop all the projects. Is it on account of our friends acting whimsically to suit their own political and personal ends?

Coming to the relevant Agreement, Sir, I have given a statement to the press which has been widely pulished in "Deccan Herald" to-day, wherein I have exhaustively dealt with the history, background and legal defects and remedies of the Agreements etc. Anyway for the benefit of the Hon. Members of this House, I will say a few words here. My Hon. friends Sri Gangadhar and Sri Nagappa may please note it.

Sir, the 1924 Agreement provides that Mysore may construct 45 TMCft. subject to one factor, *i.e.*, we should strictly and faithfully implement the impounding formula or the proportionate factor. This impounding formula is a technical formula arrived at on certain presumptions and considerations that prevailed in 1924. At the time of agreement was drafted there was no data available in this country. Both the parties to the Agreement believed there was great amount of water in the absence of any observed data. Just on the basis of some wrong presumptions and assumptions they

(SRI H. M. CHANNABASAPPA)

came to certain agreement. Subsequent to this Agreement gauging stations were set up in three places and after 33 years we have the gauging stations to give data as to the dependability of waters in K.R. Sagar. From that date it is a very clear fact that if the proportionate factor is adhered to, the impounding of 45 TMCft. becomes impracticable and impossible. If we are to impound 45 TMCft. the proportionate factor we cannot respect. Our Hon. Chief Minister knows about it ever since he became the Public Works Minister in 1962 or so. I ask the Hon. Chief Minister, knowing full well that this Agreement cannot be implemented on account of these two clauses, why he kept quiet for all these years? He owes an explanation on this point not only to this House but to the whole country. When he knew that this agreement contains incompatible provisions and it also renders the 1924 Agreement *ab initio void* why did he keep quiet so far? This is one point.

Secondly Sir, the officers had gone to Delhi several times at the cost of the Exchequer and the Hon. Chief Minister has gone to Delhi one hundred and odd times, what has been done? Did he argue out the case? Has he pointed out, that this agreement is illegal and void and so the matter has to be settled? He has not said anything about it. Sir, Section 20 of the Indian Contract Act says:

> "20. Where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is void."

SRI M. NAGAPPA:—May I know whether the Indian Contract Act is applicable to this Agreement?

SRI H. M. CHANNABASAPPA: Sir, I have made it clear of and on that I am neither a constitutional pundit nor a legal pundit. Whatever I speak, I speak on the facts available to me and with that amount of authority. It is open to the Lawyers to interpret. But that interpretation is not applicable here. This is a different matter. It is not void on this ground. Till to-day, we do not know what legal advice has been tendered to this Government' We do not know what technical advice is given to this Government. Nothing has been done by this Government except appointing a committee to go into this question. I do not want to go into details. Because all these things have already been said. On Suffice it to say that this Government has neglected the issue of Cauvery waters. They have made the people of this State to suffer. Do you still plead ignorance of this?

Now I shall speak about the Agreement. There are several vital points supporting my argument that it is not respectable. This Agreement cannot be respected because the basic material on which the Agreement is based is admittedly incorrect. The Madras Government cannot say that we have violated it. The facts say the data was not available. I do not blame the Madras Government. I do not say they have got belligerent attitude. After all they have got to serve their people. They say their stand is correct. I do not find anything wrong with them. The hon Member Sri Ghorpade was speaking about the availability of 45 T. M. Cft. of water. It is a wrong impression to say that there is not sufficiant quantity of water available in the Cauvery basin for Mysore. There is more water than is required. We can get more than 45 T M. Cft. of water and it is possible to meet the requirements of the Government of Mysore and also the Government of

Tamil nadu: We can get even more water than is required. Our surplus water which has been shared by Madras and Mysore under the Agreement has been appropriated by the Madras Government with the connivance of the Central Government. Therefore it is the Government of Madras that has violated the Agreement and not the Government of Mysore I have given the details in this connection to the Press, and the details have come in the "Deccan Herald" to-day. Interpretations have arisen with regard to the operation of the agreement. Government must prepare a case for the appointment of a Tribunal under Inter State River Dispute Act 1956. Under No. circumstances the Government of Mysore should stop the projects that have been taken in accordance with the Agreement. There is no other go except to refer this matter to Arbitration contemplated under Clause 10 (XV) of the Inter State River Dispute Act. You should not allow the dispute with regard to Krishna and the dispute with regard to Cauvery to be treated as separate. Both these disputes should be treated as one and referred to one Tribunal. The fact is there that Krishna and Godavary have not been treated as one. We stand to suffer much if they are treated as one.

There are a number of things to which I wanted to make reference. But I will take some other opportunity to speak on these points. It is sufficient to say that the Government of Mysore have kept quiet all these years doing nothing in this regard. It cannot be allowed to go on with the same amount of neglect. The Government of India has no legal right to give a direction or mandate or muchless an ultimatum to any State Government to stop construction of their projects. Our Chief Minister is a very clever man. He is able to convince anybody excepting Channabasappa as he says. It may be noted here that this is not a case which has suddenly developed. It was a long standing dispute. The Government of Mysore, should have been alert and must have taken action by this time. The Government of Madras is demanding its pound of flesh. But they will have to be told that thay should have it without shedding a drop of blood.

SRI D. DEVARAJ URS : As long as the Chief Minister is there, it is through the Government and the Chief Minister, things have to be done.

SRI H. M. CHANNABASAPPA .—Do not waste a minute and don't allow grass to grow under your feet. Prepare a case and hand it over to arbitration. Go ahead with the projects and tell the Government of India that it is not in your eompetence to say that the Government of Mysore is not entitled for loan or grants but it should get the requisite loan and grant. It is not open to Mr. Rao to say that he is going to stop all credits and make the people of Mysoreto suffer. The Government of India know that Mysore is backward in Irrigation. They cannot easily say that nothing will be given by way of grants or loans. Particularly in the matter of irrigation, there is only 8 to 10 percent irrigation in the State. Whereas in Madras and Andhra it is more than 40 percent. Therefore our projects will have to go through. Mr. Rao cannot link Mysore with others. We have got inherent right to go ahead with our proj ct Projects. and we are entitled for grants and loans.

Please tell him that it is open to Mysore to construct such projects as we deem fit and as we deem useful to our State. If there is any diffirence between this Goverpment and the Madras government there are the provisions of law and we will go through them and settle our disputes there.

10-30 A.M.

Then, this Government must take this House into confidence. It is no good saying that these are secret matters. I wish to says with all the vehemence at my command that there is no secrecy about this. We have to jointly work out what we have got to do. It is not correct to say that whatever we say here will go against us. Factno cannot be changed, especially on engineering matters. I want to tell the Government, if something is wrong in your own body and if you do not say it to the doctor, it is you who would suffer and not the the doctor. I know what are the things which have got to be kept as secret. I feel honestly just as you feel honestly that this is a matter in which you have got to take the entire House into confidence and proceed boldly without any reservation what so ever and say that we shall construct all our projects and if the Government of Madras has any grievance against them, let us settle them across the table, if possible, or in the appropriate court of law.

With these few words, I conclude.

[MR. DEPUTY SPEAKER in the Chair].

ಶ್ರೀ ಐ.ಸೋಮಶೇಖರಪ :-ಸ್ವಾಮಿ, ಒಂದು, ಕ್ಲಾರಿಫಿಕೇಷನ್ ಕೇಳುತ್ತೇನೆ. ೧೯೫೪ರ ಅಗ್ರಿಮೆಂಟು ವಾಯಿಡ್ ಆದರೆ ಕ್ಲಾಸ್ ೧೦ (೧೫) ಕೆಳಗೆ ಈ ವಿವಾದದಲ್ಲಿ ಆರ್ಬಿಟ್ರೇಷನ್ ಹಕ್ಕು ನಮಗೆ ಹೇಗೆ ಬಂರುತ್ತದೆ ದಯವಿಟ್ಟು ತಿಳಿಸುತ್ತೀರಾ?

SRI H. M. CHANNABASAPPA .—Our case is that it is *ab initio void* if the the defect is not going to be remedied. The defect is about the proportional factor. I may state for the information of the House that the proportional factor is changeble. I may state for your Information that in 1927 a similar dispute arose between the Government of Mysore and the Government of Madras about the change of the proportional factor. In 1927 Mr. Page was appointed as Arbitrator. He was about to give his judgement. By that time the Madras Government felt that it is going to be against them and there fore they said that they would negotiate and agree to change the proportional factor, Therefore, with that as a precedent now we should suggest a change inthe proportional factor and the modification of the rules of procedure in order to make this Agreement workable.

ಶ್ರೀ ವಿ. ಎಲ್. ಶಿವಪ್ಪ .—ಸ್ವಾಮಿ, ಒಂದು ವಿಷಯ. ಕೊಡಗು ನಮಗೆ ಸೇರಿದ ಮೇಲೆ ಹಾರಂಗಿ ಯೋಜನೆ ಮಾಡಬೇಕೆಂದು ಇರುವಾಗ ಈ ಕಟ್ಟೆಯಿಂದ ನೀರು ನಿಂತು ಕಾಫೀ ಪ್ಲಾಂಟೇಷನ್ ಹಾಳಾಗುತ್ತದೆ ಎಂದು ಕಾಫೀ ಪ್ಲಾಂಟರ್ಸ್ ತಡೆ ಹಾಕೋಣ ಎಂದು ಇದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಡಲಿಲ್ಲ. ಇಲ್ಲದಿದ್ದರೆ ಅದು ಮುಂದುವರಿಯುತ್ತಿತ್ತು, ಇದು ನಿಜವೆ?

SRI H. M. CHANNABASAPPA .—The starting point was the Malnad Conference. That was the Sabbath Day for Mysore

SRI B. P. GANGADHAR (Tumkur).—I want to know from the Chief Minister regarding the validity or the void nature of this document, whether the Government has taken legal opinion on this point, and if so, we would like to know the legal opinion on this point. Has the Chief Minister anything to say on this point?

MR. DEPUTY SPEAKER. —Hon. Chief Minister will refer to it in his reply.

SRI B. P. GANGADHAR —I do not know much about this Agree ment and the details contained in it. But I feel that this particular situation has arisen after the misunderstanding started between the two wings of the Congress. Many of my friends here who have been very vehemently condemning the action of the Government were on the other side till a few months ago. I want to know what exactly they did to see that justice is done to this State. I think they were sleeping over all these issues till now and now because of this misunderstanding and split in their ranks all these things have come up one after the other and the Central Government are throwing thunderbolts one after another. After all, from Mysore we have only 24 or 26 M.Ps in Parliment. Now the Central Government are in a very precarious position and they want to have the support of a number of M.P.s So they want to secure the support of the M.P.s. from Maharashtra, Kerala, Madras and Andhra Pradesh. So far as M.P.s from Mysore are

(SRI B. P. GANGADHAR)

concerned, we are only 26 in number and even amongst them there are some who support the Central Government. So taking the entire strength of Members of Parliament supporting the Central Government from Maharashtra, Kerala, Madras and Andhra Pradesh, the number of M.P.s from Mysore is very negligible and that is why the Central Government want to woo the M,P:s from Maharashtra, Kerala, Madras and Andhra Pradesh and that is why this situation has arisen and all these difficulties are come to us one after the other. All these things were dormant till a very few days ago but now the Central Government have whipped up all these things one after the other. First we heard about the boundary dispute. So much of confusion is going on about that. In fact the Leader of the Opposition and my leader Sri Sivappa has made it clear to the Prime Minister that there is lot of confusion in the State so far as the Central Government are concerned and that the people of Mysore are looking the Central Government with suspicion and that they are losing their confidence in the Central Government. This is what he very courageously told the Prime Minister. He has told her that actions of the Central Government are very dangerous, very harmful and most inequitable to the interests of the State of Mysore and so he has requested her not topush through these things. So my request to this House is this. Whatever may be our political differences and however much we may condemn the Chief Minister or that wing of the Congress when the interests of the State are going to suffer we must all stand as one man to fight this evil and to see that justice is done to the State of Mysore and the people of Mysore. We see this naked agression made by the Central Government in every walk of life on Mysore State in the river water dispute in plan allocations, *etc.*,

SRI D. DEVARAJ URS.—The Hon. Member says that there is no use attacking the State Government or the Chief Minister, but what is his suggestion as to what should be done next. Is there any useful purpose served by attacking the prime Minister or any other Minister at the Central simply because they are not in front of us

SRI B. P. GANGADHAR.—I have stated that in the predule to my speech and that is why I said that my Leader Sri Sivappa made himself bold to tell the Prime Minister herself. "Lot of confusion has been created in the minds of the people of Mysore about these actions; the people of Mysore State have lost faith in our politics and programmes .....

Therefore, you must mend yourself. For that reason there may be persons interested in spreading ill against me. That is why I have been requesting Mr. Devaraj Urs and his friends who have been very close to the Prime Minister.....

SRI D. DEVARAJ URS :—That advice might be given to the Government as well, because they have attacked the P ime Minister in Belgaum during the Congress Convention.

SRI B. P. GANGADHAR :—Does the Hon. Member mean to say that I have been supporting the Government? I am second to none in condemn ing this Government on all other matters. All the while the Hon. Member Sri Urs was on the other side even six months back he was there. What is it that he has done? He was keeping quiet. All my friends in the New Congress were there: they did not try to safeguard the interest of the State If the interest of the state was paramount in their minds, whether Sri Nijalingappa or Sri Veerendra Patil or some body else was the Chief Minister, they must have made bold to say that they were going on wrong path. They must have told them that they must solve the border dispute and the water dispute or they would quit. I do not want to find fault with anybody now. I am second to none in my condemnation of the present Government. My friend need not have any doubt in this matter. We may have so much of fury and anger for the omissions and commissions of the Government; but we shall leave them aside for the present and fight them at the appropriate time. So far as the border dispute, water dispute and Central aid is concerned, I very humbly request that every one of us must sink our political differences and stand solidly behind the Government.

SRI R. DAYANANDA SAGAR :—If the Government goes on neglecting its duty, should we not call it to order? You and I have to call it to order.

SRI B. P. GANGADHAR:—I will be one with the Hon. Member so far as the omissions and comissions of the Government are concerned. But so far as issues which are touching the very core of our people are cerned, we shall sink our differences and stand united behind the con Government.

† SRI DEVARAJ URS (HUNSUR) :—Sir, I have not much to add to what has alredy been stated by the previous speakers like my good friends Sri Channabasappa and Sri Nanjegowda. My friend Sri Gangadhar was appealing that instead of blaming the Government or the people concerned in the matter, we should try to give constructive suggestions or advice Government as to what should be done next and on that we should all stand together and support the Government. In this matter I may straightaway assure my friend Sri Gangadhar and other members of the Hon. House that we and our party will stand by any step that the Government wants to take in regard to the sharing of the waters of the Cauvery River. Only with that object in view we have co-operated with the Government for bringing out two reports on this subject as

(SRI DEVARAJA URS)

well as on the Krishna River waters. One report is called the Technical Report. You, Sir, will remember that a year and a half ago when this question was raised on the floor of the House, the Chief Minister was arguing that it may not be possible for the Government of Mysore to get this 1924 Agreement revised. Of course, then we were not in the opposition. I was sitting on the other side including my friend Sri Jatti who was then a member of this House. We then said that there is some force in the case that Sri Channabasappa was then making it out. A suggestion was then made that a smaller group of people should sit in a committee to go into this entire question because the Chief Minister desired that this question should not be discussed on the floor of the House because there were certain matters which should not be revealed in the interest of the State. That committee divided itself into two committees. One was called the Technical Committee and other the Resources Committee. The Technical Committee has given a report as to how best we could utilise our water and how if we merely stick on to the 1924 Agreement, the state would suffer and even the projects that we are proposing to construct would become infructuous because there would not be that quantum of water which was allowed under the 1924 Agreement *viz.* 45 TMC., ft. Because the Government have not thought it desirable to place the report on the Table of the House I do not want to say anything further at this stage. What should be done next? For that also we have given an answer not today but more than six months back when we brought out a report through that committee called the Resources Committee wherein we have clearly stated that whether we get Central aid or not for these projects we must proceed with them. in accordance with the report made through this Resources Committee, I make an appeal to one and all - not only to my hon. friend Sri Gangadhar but also to the other members of his Party and the other Opposition Members as well as my friend sitting on the other side, that we should all be one not merely in fighting Dr. Rao, X, Y, Z, but in trying to pool up to the best of our ability all the resources possible and see that resource is diverted to build this Project in the quickest possible time. I again and again stress on that and I appeal to them. This is the purpose of the Report that we have given. For this purpose, we stated that this project should be started as quickly as possible and should be included in the Projects of 1969-70. We must mobilise the resource out of the money available for expenditure and curtailing the expenditure. I said that Rs. 8 crores could be pooled in the existing Budget: divert this sum of Rs. 8 crores for various Projects. It is stated that ultimately they have provided Rs. 7 crores and odd. I still do not know, unless the Government tells otherwise, whether this sum of Rs. 7 crores, which they say have been subsequently earmarked for these major Projects, especially the Cauvery Valley, has been spent at all : I wonder

There are two Clauses in the 1924 Agreement, that is Clauses 7 and 8. There is also Clause No. 15 which is related to Clause No. 8. According to Clause 10 (vii), Mysore is entitled to utilise an effective storage of 45 T.M.C. ft. of water. Let us see what Dr. Rao says on that point. I am quoting him from the " Hindu " paper because I am not able to get the proceedings of the Lok Sabha immediately. So I cannot but help quoting from the newspaper. According to the newspaper Dr. Rao has agreed and admitted that " Mysore was entitled to store 45 TMC.ft.. of water and not discharge. " That is the main point. That means that Dr. Rao, on behalf of the Government of India, admits that the Government of Mysore is entitled for 45 TMC.ft.. under the 1924 Agreement. Then where does the crux lie?. The latter portion of clause (vii) says.—

> " ... the rules for working such reservoirs shall be so framed as to reduce to within 5 per cent any loss during any impounding period, by the adoption of suitable proportion factors, impounding formula or such other means as may be settled at the time. "

This impounding formula or the proportion factor is to be worked out by the Rules of Regulation. That is what we mean by Rules of Regulation. That Rules of Regulation is also there. According to that Rules of Regulation, we have to leave water and at the same time, we have to impound water in Krishnarajasagara. This is where the trouble lies.

The Agreement also provides for another important point. There is difference of opinion between these two Governments. With regard to the proportion factors or the regulation of water between Mysore and Madras, the Rules of Regulation are subject to the intervention of the Government of India provided both the Governments agree. The Agreement says : " Should any dispute arise between Madras and Mysore, touching the interpretations or operations or carrying out this agreement, such dispute will be referred for settlement to arbitration, or if the parties so agree, shall be submitted to the Government of India. " Of course, whether we should take this case before the Court or Tribunal or under the 1956 River Waters Dispute Act go to the Government of India or whether we should take this only before arbitration as has been provided in the 1924 Agreement, is left to the Mysore Government on which they should get proper legal opinion. Only after finding out which of the two courses are more beneficial to us from the point of view of getting the proper justice to our State, the Government should proceed. I have nothing else to say on that.

The only other two points I have got are with respect to Dr. Rao's statement. So far as Dr. Rao's statement is concerned, what does he say about the 1924 Agreement? He says :

" Mysore could proceed with whatever project it wanted while following at the same time the 1924 agreement. "

(SRI D. DEVARAJ URS)

This has to be carefully looked into. Dr. Rao wants the Government of Mysore to follow the 1924 Agreement and adhere to it If the Government of Mysore agrees to adhere to the 1924 Agreement, he has no objection for the State to proceed with any project it desires.

As was pointed out already, why does Dr. Rao insist that the Government of Mysore should adhere to the 1924 Agreement, is the question about which he has not answered properly on the floor of the Parliament. Why did he state like that ?

SRI C. K. RAJAIAH SETTY :—He has not studied.

SRI D. DEVARAJ URS :—I thank the Hon. Member for provoking me to say a few words on the point whether Dr. Rao has studied it properly or not. I am afraid Dr. Rao may not have studied because there are two points here : Out of ignorance, he may have stated like that; and secondly he might have tried to be partial to the other State. I want to remind the House here that the Central Government Minister Dr. Rao was never supposed to be partial all these years That is where we must carefully think. Dr. Rao is there as Central Minister from 1964, he is there not to-day. Perhaps he was a Minister in the Central Government even when Sri Nijalingappa made that statement; I do not know; I say subject to verification. An Hon. Member says he was there at that time. Our Government, of which I was also a member, used to say that Dr. Rao was never partial, and that he was impartial. Now, I very much hesitate to agree with any Hon. Member of this House either at this stage or that stage that Dr. Rao has, all on a sudden, become partial to Madras State Why I state it is because I have another doubt.

Now another way of looking at this case is that Dr. Rao is either ignorant or partial. If Dr. Rao were to be ignorant, I want to know from the Government whether.

11-00 A.M.

ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ : ಆಗ ಶ್ರೀ ರಾವ್ ರವರಿಗೆ ಕೃಷ್ಣಾ ನದಿ ನೀರಿನ ಬಗ್ಗೆ ಪ್ರಸ್ತಾಪ ಮಾಡಲು ಆಂಧ್ರದಲ್ಲಿ ನಾಗಾರ್ಜುನ ಸಾಗರಕ್ಕೆ ತಡೆಯಾಗಬಹುದು ಎಂದು ಒಂದು ರೀತಿ ಹೇಳಿದರು. ನಾಗಾರ್ಜುನ ಸಾಗರ ಒಂದನೆ ಹಂತ ಮುಗಿಸಬೇಕಾಗಿತ್ತು.

ನಾಗಾರ್ಜುನ ಸಾಗರದ ಎರಡನೇ ಹಂತವನ್ನು ಮಾಡಲು ತಡೆ ಮಾಡಬೇಕೆಂದು ಮೈಸೂರು ಸರಕಾರ ಕೇಳಿದರೂ ಅದಕ್ಕೆ ಅವಕ್ಕೆ ಅವಕಾಶ ಕೊಡದೆ ಆಂಧ್ರದವರು ನಾಗಾರ್ಜುನ ಸಾಗರ ಮುಗಿಯಲು ಅವರೇ ಸಹಾಯ ಮಾಡಿದರು. ಮತ್ತು ಈಗ ಟ್ರಿಬ್ಯುನಲ್‌ಗೆ ಹೋಗಬೇಕಾಗಿ ಬಂತು.

[MR. SPEAKER In the Chair]

Sri D. DEVARAJ URS : - I would like to know from the Government whether the Government has been able to study this 1924 Agreement in all its aspects ; whether the Government is able to look into legal

aspects and whether the Government has put their case clearly and properly before the Central Government. I may even doubt that because if the Government has failed to put its case properly, I cannot accuse the Central Government for not appreciating the case. In case you have put the case properly and they have not appreciated it, than I may join with you and say that Dr. Rao is partial. This again is a matter of doubt. I want to know from the Chief Minister whether he has been able to get this legally examined and get proper guidance on this simple question whether this case should go before a tribunal or arbitration. Only a week back we put a question and to my knowledge neither the Government nor the Advocate-General nor the Legal Department concerned are in a position to answer this question.

Sri R. G. WALI :—If he was not partial, he would not have asked us to stop the projects.

Sri D. DEVARAJ URS ;—In the absence of the true copy of the proceedings on the floor of the Parliament, I still cannot agree with anybody when they say that Dr Rao has directed the Government to stop the work. What he has stated is he has merely advised. According to his own statement on the floor as was reported in the press he has stated that it would be a very unhappy thing if the State proceeded with any projects especially of an inter-state dispute, without sanction. That is what he has stated. Of course I do take exception to Dr. Rao's single statement that it would be an unhappy thing. Why should it be unhappy? That is where. I fail to understand Dr. Rao's mind. There is nothing to be unhappy about this. Is he unhappy because he wants Madras to get a lion's share even though they are not entitled to? Or is it because Mysore is taking its share? Therefore I do agree with any other friend who states that Dr. Rao, to say the least, is not fair in so far as he is dealing with this problem of shaving Cauvery waters.

The last point is. he has also stated that we have been building Kabini reservoir exeeding the limits of the clearance that has been given by the Government of India. For that the only answer is. what is the capacity to which we have proposed to raise the height of Kabini dam from the original sanction or technical clearance? It is from 12 T.M.Cft. to 19 TMCft storage of water. Orginally it was designed for a storage of 12 TMCft and now we have raised it to 19 TMCft. The only point is we have to find out whether 19 TMCft. is more than 60 percent of storage capacity that is allowed to us under the agreement as an off-set reservoir as against Bhavani and Amaravati. That is the point to be looked into In this regard I am prepared to rely on what Sri H. M. Channabasappa has stated. According to his studies it is clearly known that this utilisation of 19 TMCft in Kabini project does not even now exceed that 60 per cent

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of storage water that is being allowed under the Agreement as an off-set reservoir to Bhavani and Amaravati. So, again it betrays the ignorance of the Central Government when he made that reply. I can only say that I am sorry that the Central Minister has not cared to apply his mind thoroughly while studying this problem.

Sir, I will again state only two points when many people are asking us to what should be done next, the only answer to that querry even now is, apart from the ommissions and commissions of the past with all the emphasis at my command I appeal to the Government to mobilise our resources and not stand on any formality legally or otherwise, and start building these projects. Haragi, as admitted by Dr. Rao, is outside. You laid foundation stone in the year 1965 and still you have not been able to provided funds. You provided a small amount of 20 or 25 lakhs. Is this way want to proceed? The Hon. Member B.P. Gangadhar wanted to know what should be done. I say, build them quickly : day in and day out. Start working on these projects. We have given suggestions as to how to get money. You can stop other expenditures on so many other itemes and divert that money. Even if the Central Government does not give funds and complete these projects. Please don't hesitate for heaven's sake. I appeal to the Government to go before the tribunal or arbitrator, whatever it is, as advised by your legal pundits. Let us not wait and say, let the Madras Government go to tribunal and we will say what we have to say. Or let us not wait for the Central Government to say that these Governments do not agree and therefore let it go before a tribunal. Why should we allow Madras to go before atribunal. According to me, I am convinced that we have a better case than Madras for the revision of 1924 Agreement. I would ask this Government to go and say to the Government of India that we are ready to go before a tribunal or arbitration as the case may be and let it be referred. These are two important suggestions.

Sri H. M. CHANNABASAPPA :-We shall place our case for arbitration and not depend on Madras going for a tribunal.

Sri D. DEVARAJ URS :—That is exactly what I said.

MR SPEAKER :—Wherever we go, the State will have to place its facts.

Sri D. DEVARAJ URS :-I am not a lawyer ; nor have I gone before a court. My point is that it is stated by so many that whenever a criminal case is involved, they want the other man to go to the court. It is not so here. This is a civil suit. I want the State Government

to proceed with all arrangements to go before arbitration or tribunal without further loss of time.

MR. SPEAKER :—I shall have to, closs the debate by 11-30 A M. I wantto fknow whether the House wants to hear the Chief Minister. In so nobody should embarrass me for time.

ಶ್ರೀ. ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ಕಾವೇರಿ ನದಿಯ ನೀರಿನ ವಿಷಯದಲ್ಲಿ ಇನ್ನೂ ಕೆಲವು ಜನ ಸದಸ್ಯರು ಮಾತನಾಡುವುದಕ್ಕೆ ಇಷ್ಟಪಡುತ್ತಾ ಇದ್ದಾರೆ. ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಒಪ್ಪಿದರೆ, ಮತ್ತೆ ನಾಳೆ ಬೆಳಿಗ್ಗೆ ೯ ಗಂಟೆಗೆ ಸೇರಿ, ಇನ್ನೂ ಎರಡು ಗಂಟೆಗಳ ಕಾಲ ಇದನ್ನು ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೇ ಅವಕಾಶ ಕೊಡುವುದು ಒಳ್ಳೆಯದು. ಬಾರ ರ್ ಪ್ರಶ್ನೆಗೆ ಎಷ್ಟು ಪ್ರಾಮುಖ್ಯತೆ ಇದಯೋ ಅಷ್ಟೆ ಪ್ರಾಮುಖ್ಯತೆ ಈ ನದಿ ನೀರಿನ ಪ್ರಶ್ನೆಗೂ ಇದೆಎನ್ನುವುದನ್ನು ಮನಗಾಣಬೇಕು ಎಂದು ಕೇಳಿ ಕೊಳ್ಳುತ್ತೇನೆ.

MR. SPEAKER.—There should not be any competition. It should be done according to rules.

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ಕಾಂಪಿಟೇಷನ್ ಮಾಡುತ್ತಿದ್ದೇವೆ ಎಂದು ತಾವು ಹೇಳಿರುವ ಪದಗಳನ್ನು ವಾಪಸ್ ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಹಾಗೆ ತಾವು ಮಾತನಾಡಬಾರದು.

MR. SPEAKER.—It is quite correct that there should be competition to do good things. I shall read the Rule and leave the matter to the House.

ಶ್ರೀ. ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿ ಗೌಡ.—ಬಾರ್ಡರ್ ಪ್ರಶ್ನೆ ಬಂದಾಗ ತಾವು ರೂಲ್ಸನ್ನು ಅನುಸರಿಸಲಿಲ್ಲ ಆದ್ದರಿಂದ ಇಲ್ಲಿಯೂ ಕೂಡ ರೂಲ್ಸನ್ನು ಅಪ್ಲೈ ಮಾಡಬಾರದು.

MR. SPEAKER.—Rule 60 of Rules of Procedure says like this.

> "If the Speaker is satisfied, after calling for such information from the member who has given notice and from the Minister, as he may consider necessary, that the matter is urgent and is of sufficient importance to be raised in the Assembly at an early date, he may admit the notice and in consultation with the Leader of the House fix the date on which such matter may be taken up for discussion and allow such time for discussion not exceeding two and a half hours, as he may consider appropriate in the circumstances.

Originally it was agreed between the two sides that the matter may be discussed for two hours. If the members want more time to discuss the subject, it is for the House to take the decision.

SRI H. M. CHANNABASAPPA;—We agree with the rule This being a very important question relating to the economy of the Mysore state, the people are interested to know things. If the Leader of the House

(SRI H. M. CHANNABASAPPA)

has no objection, kindly suspend the rule and exercise your power and allow the debate to go on for another 2 or 3 hours. I am sure the Government will like to know the views of the Members, so that the hands of the Government will be strengthened and armed better. I will appeal to you to consider the matter.

SRI VEERENDRA PATIL.—It seems that many members of this House are very much agitated over the statement made by the Union Minister for Irrigation and Power and all the Hon. Members want to participate in the discussion although the rule says that discussion cannot be for more than 2½ hours. The situation seems to be that it would not be possible for us to satisfy the members to have their say in the matter, which is very very vital, witdin 2½ hours period So far I as Leader of the House am concerned I have abolutely no objection if you want to extend the time either to-day or sree o continue this discussion tomorrow morning. I do not know how it is possible for you to do so. How to get over this difficulty with regard to the provision that is made in the rule, I do not want to say anything, If the Hon. Members want to continue the discussion tomorrow morning without disturbing the normal business of the House, we are prepared to sit I will leave for your consideration the question whether the discussion should continue tomorrow morning So far as I am concerned, I have absolutely no objection. whatever ecision you take, we will abide by.

SRI. M. NAGAPPA.—Under rule 279 of the Rules of Procedure there dwill b no bar of time. The Hon. Speaker may agree according to this Reule.

MR. SPEAKER.—Rule 279 does not relate to allotment of time. Only consideration motion comes under that Rule. As I said earlier, If the House is agreeable to suspend Rule, 60 I have no objection. The House is supreme. what time is required for discussing this subject.

SOME HON. MEMBERS.—Tomorrow morning Sir.

MR. SPEAKER- So let us meet at 8-30 A. M. and finish the business by 11 A.M.

SRI H. M CHANNABASAPPA.—I beg to move be that Rule 60 of the Rules of Procedure be suspended in order to enalbe the House to carry on the discussion for another 2½ hours tomorrow.

MR. SPEAKER.—I shall put the motion to the vote The question is:

"That Rule 60 of the Rules of Procednre be suspendend

in order to enable the House to carry on the discussion for another 2½ hours tomorrow."

The motion was adopted

MR. SPEAKER.—Now the House will rise and meet again at 1 P.M to consider the regular business. of the day.

The House adjourned at Twenty Minutes past Eleven of the clock and reassembled at the one of the clock.

(MR. SPEAKER in the Chair].

STARRED QUESTIONS

(to which oral Answers were Given)

COLLECTION AND EXPENDITURE IN RESPECT OF STATE LOTTERY.

883. SRI D. B. KALMANKAR (Aland).—

Will the Minister for Finance, Planning and Youth Welfare be pleased to state:—

(*a*) the total collection on sale of State Lottery till 25th January 1970;

(*b*) the total expenditure on the same?

SRI RAMAKRISHNA HEGDE (Minister for Finance, Planning and Youth Welfare):—

(*a*) Rs. 68,58,047-00 .

(*b*) Rs. 47,83,000-00.

SRI D. B. KALMANKAR:—May I know what are the details of the expenditure, Sir?

SRI RAMAKRISHNA HEGDE:— Commission to agents Rs. 17 lakhs and odd; printing of tickets Rs. 1,50,000; establishment pay of officers, etc., about Rs. 2,000 and prize not paid up to 28th February 1970 Rs. 17,29,000 and odd.

SRI D. B. KALMANKAR:—May I know, Sir, whether this is in accordance with the directive principles of the Constitution? Should it be encouraged for such a low income of Rs. 20 lakhs annually?